STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF MORTON

SOUTH CENTRAL JUDICIAL DISTRICT

The State of North Dakota,	)	Cr. No. 30-2016-CR-
	)	Cr. No. 30-2016-CR-1875
Plaintiff,	)	Cr. No. 30-2016-CR
	)	
vs.	)	**CRIMINAL COMPLAINT**
	)	
MICHAEL FASIG,	)	
BRENNON NASTACIO,	)	
ISRAEL L. HERNANDEZ,	)	
	)	
Defendants.	)	

The undersigned complainant, being first duly sworn, charges that:

COUNT I: On or about the 27th day of October, 2016, in Morton County, North Dakota, the above-named Defendant, **BRENNON NASTACIO**, committed the offense of **TERRORIZING** in violation of **Section 12.1-17-04** of the North Dakota Century Code by then and there: With intent to place another human being in fear for that human being's or another's safety, the defendant threatens to commit any crime of violence or act dangerous to human life; to-wit: At said time and place, the defendant threatened to harm another by walking toward him with a knife causing him to fear for his safety.

Penalty Section: 12.1-17-04 N.D.C.C.
Class C Felony

COUNT II: On or about the 27th day of October, 2016, in Morton County, North Dakota, the above-named Defendants, **MICHAEL FASIG and ISRAEL L. HERNANDEZ**, committed the offense of **RECKLESS ENDANGERMENT** in violation of **Section 12.1-17-03** of the North Dakota Century Code by then and there: Creates a substantial risk of serious bodily injury or death to another under circumstances manifesting an extreme indifference to the value of human life; to-wit: At said time and place the above-named defendants rammed a truck driven by another, creating a substantial risk of serious bodily injury.

Penalty Section: 12.1-17-03 N.D.C.C.
Class C Felony

COUNT III: On or about the 27th day of October, 2016, in Morton County, North Dakota, the above-named Defendants, **MICHAEL FASIG and ISRAEL L. HERNANDEZ,** committed the offense of **CRIMINAL MISCHIEF** in violation of **Section 12.1-21-05** of the North Dakota Century Code by then and there: Willfully damaging tangible property of another; to-wit: At said time and place the above-named Defendants intentionally hit a pickup truck belonging to another causing damages in excess of two thousand dollars.

Penalty Section: 12.1-21-05 N.D.C.C.
Class C Felony

All of this contrary to the statute in such cases made and provided and against the peace and dignity of the State of North Dakota.

WHEREFORE, Complainant prays that Defendant may be arrested and dealt with according to law.

Kary Stolz
Complainant

Kary Stolz
Print Complainant Name

Subscribed and sworn to before me this 23rd day of November 2016

Thomas J. Askvaag
District Judge

Complaint Approved:

/s/ Gabrielle J. Goter
Gabrielle Goter, State ID #06595
Assistant State's Attorney
Morton County, North Dakota

WARRANT ISSUED

STATE OF NORTH DAKOTA)
) SS.
COUNTY OF MORTON)

AFFIDAVIT

I Scott Betz, attest to the following:

1. That I am a trained and licensed peace officer with 13 years of experience with jurisdiction to enforce state law in Burleigh County, North Dakota.

2. That on October 27, 2016, in Morton County.

3. The suspects were identified as Michael Fasig, who is 46 years of age, Israel L Hernandez , who is 22 years of age and Brennon Nastacio, who is 36 years of age.

4. The following gives rise to probable cause to charge the suspects with: Criminal Mischief and Reckless Endangerment (Fasig and Hernandez) and Terrorizing (Nastacio).

Circumstances and/or other facts: On October 27, 2016, Thompson reported that he was working for Dakota Access Pipeline. Thompson reported that he went to examine equipment that was on fire. Thompson said that while doing that his work vehicle was "rammed" and disabled by another vehicle. Thompson said that he felt as though his life was in danger when his work vehicle was "rammed." Thompson said a group of individuals were surrounding his vehicle. Thompson said that he felt as though his life was in danger. Thompson said there were approximately 5 individuals approaching him that had knives in their possession. Thompson grabbed his long rifle. Thompson reported that a male wearing a fur hat advanced towards Thompson with a buck knife.

Thompson's work vehicle was later on fire. Thompson said the value of his work vehicle was $10,000.

I watched recordings of the incident. One of the recordings showed a silver colored pickup "ramming" Thompson's vehicle and pushing Thompson's vehicle several feet into the ditch and field. There was also a maroon Cadillac on the same recording that is following Thompson's work vehicle from behind. Thompson was unclear which individual struck his work vehicle. On the recording the maroon Cadillac is very close to Thompson's vehicle but it is unclear if this vehicle strikes Thompson's vehicle due to the angle of the recording.

On the Facebook page for Iktce Wichasa Oyate there is a picture that is posted on October 29, 2016. The picture shows Mike Fasig and Israel Hernandez standing by two vehicles. One vehicle is the silver colored pickup that "rammed" Thompson's work vehicle. The other vehicle is a maroon Cadillac with New York license plates. The New York license plate that was on the vehicle was GJB 1094. The message with the picture reads "two of our Iktce Wichasa Oyate

warriors, and their war ponies. Injured while stopping an armed DAPL worker's vehicle. The maroon Cadillac does have damage to the left front side of the vehicle.

On October 28, 2016, Mike Fasig has a post on his Facebook page of a silver colored pickup. There is damage to the left front side of the pickup which would be consistent with where the silver pickup would have damage from striking Thompson's vehicle. There are white markings on the pickup which is consistent to the markings on the pickup that struck Thompson's. Mike Fasig has a post with the picture that reads "my war pony took a injury yesterday."

Mike Fasig has another post on October 27, 2016 that reads "Dapl mercenary being arrested after he made a high speed attempt to reach the main camp with a AR-15, my truck suffered some damage, I chased him and was forced to ram him."

There was a video posted on Facebook on October 29, 2016. Mike Fasig talks about having a "good day" the other day because he got to "ram" into a DAPL security guard's truck. Mike Fasig speaks about "shooving his ass right off the road and all the way down the ditch." Mike Fasig says "that was exciting." Mike Fasig said that he got a "call" on the radio about a white pickup truck with an individual who is armed traveling at a high rate of speed and don't let him get to the camp. Mike Fasig says he saw the white pickup truck "flying" down the road. Mike Fasig said that people were on the road so the white pickup traveled to the ditch at "60mph." Mike Fasig said that people were running and jumping out of the way. The portion of the video that I observed showed individuals attempting to stand in front of Thompson's vehicle to get him to stop. Mike Fasig said that was a "young" male that was driving a Cadillac that was from New York. Mike Fasig said this male began driving after Thompson's vehicle. Mike Fasig believed this male "nailed" Thompson's DAPL vehicle twice.

The individual wearing the fur hat was identified as Brennon Nastacio.

On November 22, 2016, I responded to Fort Yates, ND to inspect a vehicle that was impounded for a Bureau of Indian Affairs (BIA) investigation. This vehicle was a maroon Cadillac with New York license plates GJB 1094. This vehicle belonged to Israel Hernandez, according to an investigation conducted by BIA on November 17, 2016. I inspected the damage and I observed white transfer paint on the damaged portion of the vehicle on the front left side. Thompson's work vehicle was white in color. Written in the dust on the hood of the vehicle were the letters "DAPL." These letters were circled with a line drew threw them. From my experience, DAPL stands for Dakota Access Pipeline. On the driver's side, passenger door was more damage. On this damage was white transfer paint.

During BIA's investigation on November 17, 2016, Hernandez made statements to Officer Nimsey (BIA) that Derrick Fasig and Hernandez ran an armed individual off of the roadway while driving the maroon Cadillac. Officer Nimsey said that Derrick Fasig is Mike Fasig's kid.

Dated this 23rd day of November, 2016.

Complaining Officer

Subscribed and Sworn before me on the 23rd day of November, 2016.

GABRIELLE J. GOTER
Notary Public
State of North Dakota
My Commission Expires June 24, 2020

Notary Public